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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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GALLEON S.A.,	:	
BACARDI-MARTINI U.S.A., INC.	:	
and BACARDI & COMPANY LIMITED,	:	Cancellation No. 24,108
Petitioners	:	
v.	:	
HAVANA CLUB HOLDING, S.A. and	:	
HAVANA RUM & LIQUORS, S.A.	:	
d/b/a H.R.L., S.A.	:	
Respondents.	:	

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**NOTICE OF MOTION PURSUANT TO**  
**RULES 2.127(A) AND 2.117(A)**  
**OF THE TRADEMARK RULES OF PRACTICE**

To Havana Club Holdings, S.A., Havana Rum & Liquors, S.A. d/b/a H.R.L.,  
S.A. and their attorneys of record:

PLEASE TAKE NOTICE that, pursuant to Rules 2.127(a) and 2.117(a) of the  
Trademark Rules of Practice, Petitioners Galleon, S.A., BACARDI-MARTINI U.S.A., Inc.  
and Bacardi & Company Limited (collectively, "Petitioners"), by this notice and upon the  
accompanying affidavit of Margaret Ferguson, dated February 7, 1997 and the exhibits  
thereto and the memoranda of law, and upon all prior pleadings and proceedings had herein,

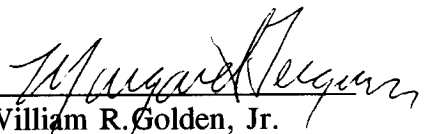
move the Trademark Trial and Appeal Board for an Order:

I. Granting Petitioners' Rules 2.127(a) and 2.117(a) Motion for Suspension of Proceeding and suspending the instant proceeding for cancellation; and

II. Granting Petitioners such other and further relief as the Board deems just and proper.

Dated: New York, New York  
February 7, 1997

KELLEY DRYE & WARREN  
Attorneys for Petitioners  
GALLEON S.A.,  
BACARDI-MARTINI U.S.A., INC. and  
BACARDI & COMPANY LIMITED

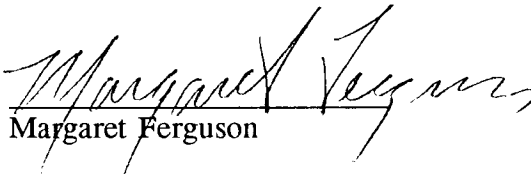
By:   
William R. Golden, Jr.  
Margaret Ferguson  
Jennifer Bernheim  
101 Park Avenue  
New York, New York 10178  
(212) 808-7800

To: Michael Krinsky, Esq.  
Caroline Rule, Esq.  
Attorneys for  
Havana Club Holding, S.A. and  
Havana Rum & Liquors, S.A.  
740 Broadway - Fifth Floor  
New York, New York 10003

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing NOTICE OF MOTION PURSUANT TO RULES 2.127(A) AND 2.117(A) OF THE TRADEMARK RULES OF PRACTICE has been served upon Respondents' attorneys, Michael Krinsky at Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C., at 740 Broadway, 5th Floor, New York, New York 10003, the address designated by said attorney for the purpose by depositing a true copy thereof with the United States Postal Service as first-class mail on February 7, 1997.

Dated:       New York, New York  
              February 7, 1997

  
Margaret Ferguson

**CERTIFICATE OF MAILING**

**Express Mail Label No.:**

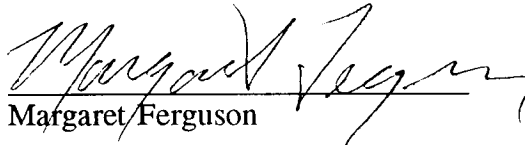
EC179523762US

**Date of Deposit:**

**February 7, 1997**

The undersigned hereby certifies that a true copy of NOTICE OF MOTION PURSUANT TO RULES 2.127(A) AND 2.117(A) OF THE TRADEMARK RULES OF PRACTICE is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Box TTAB NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202-3513.

**Dated:** New York, New York  
February 7, 1997

  
Margaret Ferguson

KELLEY DRYE & WARREN

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

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STAMFORD, CT.

PARSIPPANY, N.J.

BRUSSELS, BELGIUM

HONG KONG

AFFILIATED OFFICES

NEW DELHI, INDIA

TOKYO, JAPAN



February 7, 1997

**VIA EXPRESS MAIL**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Attention: BOX TTAB NO FEE

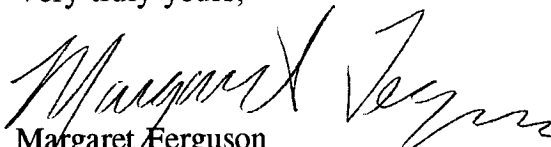
Re: Cancellation No. 24,108  
Galleon, S.A. et al v. Havana Club Holding S.A. et al

Dear Sir:

In connection with the above-referenced cancellation proceeding, we are enclosing Petitioners' Motion for Suspension of Proceeding.

Thank you for your assistance.

Very truly yours,

  
Margaret Ferguson

MF

TTAB

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

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January 6, 1997

**VIA EXPRESS MAIL**

EG179523636US

Box TTAB-NO FEE  
Assistant Commissioner  
for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Galleon, S.A, et al. v. Havana Club Holdings, S.A.  
et al. - Cancellation No. 24,108

Dear Sir or Madam:

In connection with the above-referenced proceeding, Petitioners' 56(f) Motion for a Refusal or Continuance of Respondents' Motion for Summary Judgment and Petitioners' Cross-Motion for Summary Judgment were served and filed yesterday along with accompanying papers.

It has come to our attention that some office copies of the Affidavit of Jennifer Bernheim are missing Exhibit K. Although we believe that the copy filed with the Board contained Exhibit K, we are enclosing an additional copy of Exhibit K as a precaution.

Please acknowledge receipt of the extra copy on the enclosed postcard.

We regret any inconvenience that we may have caused.

Very truly yours,

Jennifer Bernheim





DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

Cu-151435

DEC 19 1996

Dear Mr. Sanchez:

This is in response to your letters of May 20, 1996 and August 12, 1996, concerning the assignment of the *Havana Club* trademark. This matter was the subject of a meeting on May 23, 1996.

In your letters you raise two issues. First, you convey your view that certain assignments of the *Havana Club* trademark were made in violation of the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"), and should, therefore, be declared null and void.

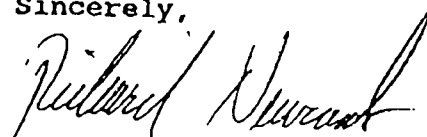
Section 515.527 of the Regulations authorizes all transactions related to the registration and renewal in the United States Patent and Trademark Office ("USPTO") of patents, trademarks, and copyrights in which the Government of Cuba or a Cuban national has an interest. This general license allows only for the registration and renewal of intellectual property; § 515.527 does not convey to the registrant the authority to assign the registrant's interest in a patent, trademark, or copyright registered in the United States to another person. Such an assignment would require authorization by OFAC in the form of a specific license. With regard to the *Havana Club* trademark, a review of our licensing files shows no license was issued to authorize the assignment of the trademark as described in your letter. Section 515.203(a) provides that any transfer in violation of any provision of the Regulations involving property in which Cuba or a Cuban national has an interest is null and void. In the absence of OFAC authorization, the assignment of rights to the U.S.-registered trademark would be null and void.

OFAC is itself investigating the possible unauthorized assignment of interest in Cuban trademarks registered at USPTO. As this investigation involves OFAC's law enforcement authority, we cannot share information gathered in this process with you.



If you have any questions concerning this matter, please call me (202/622-2500) or Serena Moe, OFAC Deputy Chief Counsel (202/622-2410).

Sincerely,



R. Richard Newcomb  
Director  
Office of Foreign Assets Control

Ignacio E. Sanchez, Esq.  
Kelley Drye & Warren  
201 South Biscayne Boulevard  
2400 Miami Center  
Miami, Florida 33131-2399